

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

(sent and filed via commercial overnight mail)

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April 28, 2005

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Re: WT Docket No. 05-157
Comments of the FPIC

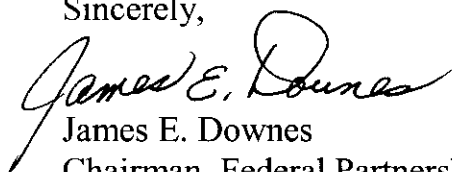
Dear Ms. Dortch:

On behalf of the Federal Partnership for Interoperable Communications (FPIC), transmitted herewith are its Comments in response to the Commission's above-referenced docket proceeding and request for Public Comment on Spectrum Needs of Emergency Response Providers, Input Required for FCC Report Mandated by the Intelligence Reform and Terrorism Prevention Act of 2004.

The FPIC's Comments focus on future spectrum allocation requirements for emergency response providers, in the upper 700 MHz band.

Should you have any questions concerning these Comments, please communicate directly with the undersigned.

Sincerely,



James E. Downes
Chairman, Federal Partnership for Interoperable Communications
(703) 279-2012
James.Downes@dhs.gov

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WT Docket No. 05-157

The Federal Partnership for Interoperable Communications (“FPIC”) submits these Comments in response to the Commissions Public Notice¹ in the above referenced proceeding.

The FPIC's interest in this proceeding stems from its history and considerable experience in interoperable communications.

In 1994, the Department of the Treasury and the Department of Justice signed a Memorandum of Understanding (MOU) formalizing the Federal Law Enforcement Wireless Users Group (FLEWUG). The FLEWUG served as an information exchange mechanism for the federal law enforcement wireless communications user community.

Federal information technology executives issued a memorandum (April 1994) directing the FLEWUG to coordinate the development of a national solution to the interoperability challenge. In 1995, The FLEWUG formulated a plan to address the implementation and planning process for such a solution. To enact its plan, the FLEWUG

¹ Public Notice, Federal Communications Commission Requests Comments on Spectrum Needs of Emergency Response Providers, 05-80, Released March 29, 2005

issued a document called the Public Safety Wireless Network (PSWN) Program Management and Organization Document (PMOD) in 1996, which led to the creation of the PSWN Program.

In 2002, as part of the President's Management Agenda, the Office of Management and Budget established SAFECOM as the umbrella program within the Federal Government to oversee all communication interoperability initiatives and projects. Through SAFECOM, the Federal Government is addressing public safety communication issues in a more coordinated, comprehensive and, therefore, effective way.

As part of this initiative, the PSWN Program was folded into SAFECOM and ceased to operate as a separate program. Where appropriate, functions that were performed by the PSWN program are now carried out through SAFECOM. Based on the critical communication needs of public safety, post 9/11 the President established within the U.S. Department of Homeland Security (DHS), the Office for Interoperability and Compatibility (OIC) to address the needs of the first responders. The OIC has assumed the lead in identifying solutions to the public safety interoperability needs. SAFECOM provides the technical support for the interoperability efforts within the OIC.

The FLEWUG was reestablished as the **Federal Partnership for Interoperable Communications** (FPIC) to serve as a technical and operational advisor within the federal wireless communications community. The FPIC's focus and reach expands beyond issues exclusively affecting the federal law enforcement community. The FPIC will implement priorities raised by the entire federal wireless communications community and take a more active role in federal interoperability efforts.

The FPIC recognizes the challenges ahead as the United States wireless telecommunications regulatory authorities, and all Branches of the government, adequately deal with the issues of adequate spectrum for emergency response providers. The Federal Communications Commission (FCC), under the direction from the U.S. Congress², is tasked, in consultation with the Department of Homeland Security and the Department of Commerce,

² Intelligence Reform and Terrorism Prevention Act of 2004, Public Law 108-458, Stat. 3638, Section 7502(c),

National Telecommunications and Information Administration (NTIA), to conduct a study to assess short-term and long-term needs for allocations of additional portions of the electromagnetic spectrum for Federal, State, and local emergency response providers, including whether or not an additional allocation of spectrum in the 700 megahertz band should be granted by Congress to such emergency response providers.

The FPIC has an interest across all portions of the FCC study. However, the imminent requirement of the FPIC for wideband interoperable data is the focus of these comments, and in particular, the particular mandate of Congress for the assessment of additional spectrum allocation(s) in the 700 megahertz band.

In this filing, the FPIC outlines proposed specifics for using additional allocations within the upper 700 MHz band for interoperable Federal, State, and local Public Safety needs.

Discussion

The FPIC presents and recommends an additional 30 MHz of public safety spectrum within the upper 700 MHz band. This spectrum, within the National Table of Frequency Allocations, should be a shared, primary government/non-government public safety allocation suitable for Federal, State, and local interoperable wideband data requirements. Blocks C and D³ within the upper 700 MHz band, meet the 30 MHz requirements.

Clear actions and recommendations by both the FCC and the Congress are necessary in order to achieve this essential goal for public safety data needs.

Herein, the FPIC proposes the FCC recommend to Congress the removal from competitive bidding Blocks C and D of the upper 700 MHz band. This involves the cancellation of Auction #31.

Subsequently, this block of 30 MHz should be allocated for Federal, State, and Local Fixed/Mobile public safety use on a primary basis vice the existing CMRS allocation.

³Block "C" 747-752 MHz, 777-782 MHz / Block "D" 752-762 MHz, 782-792 MHz

The use of this spectrum allocation for shared government/non-government interoperable wideband data use is unprecedented in the history of public safety. Such a utilization of this spectrum resource, at this time, would progress toward satisfying critical interoperable data needs of the first responder community for truly interoperable public safety telecommunications services.

Fixed and Mobile⁴ use of this 30 MHz could be used for such applications as, but not limited to, streaming video, high-speed/high-data-rate imagery, and other wideband/broadband data services, shared across multiple platforms. this allocation will meet a need for never before deployed interoperability among users on every side of the emergency response core groups. Federal, State and local responders could enjoy full, core data communications interoperability. Such a concept is under field trials by the District of Columbia Office of the Chief Technology Officer, using limited experimental licenses from the FCC to conduct field trials of an interoperable network in the upper 700 MHz band⁵.

The FPIC submits that the unauctioned portion of the upper 700 MHz band is more valuable to the Nation as a Federal/State/Local public safety interoperability band (National IO band). Such an opportunity to enhance the Nation's ability to better serve public safety first responders will provide increased interoperability among all users, added capacity for Federal, State, Local, and Tribal Critical Infrastructure integrated voice and high speed data/video systems, and improved safety for all first responders and the public that additional interoperability and capacity brings.

Conclusion

The FPIC commends the Commission for seeking input through this proceeding on whether additional spectrum is needed for emergency response providers. The Commission should, in its report to Congress, recommend firm Congressional action to secure this upper 700 MHz spectrum for first responder data needs. As part of this recommendation, the FPIC, through its membership, will work with the Commission on further refinement of the spectrum needs of emergency response providers. As recommend within these Comments, the FPIC considers securing true interoperability for Federal, State, and Local emergency response

⁴ To include aeronautical mobile

⁵ For additional information, see <http://spectrumcoalition.dc.gov/html/warn.html>

providers, both government and non-government, a necessity to meet clearly established homeland security needs of the United States.

Respectfully submitted this 28th day of April, 2005.

A handwritten signature in cursive script, reading "James E. Downes", written over a horizontal line.

James E. Downes

Chair, Federal Partnership for Interoperable Communications

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Certificate of Service

I, James E. Downes, hereby certify that on this 28th day of April 2005, I caused to be filed and served electronically, by first-class mail (postage prepaid), and by commercial overnight delivery, copies of the foregoing FPIC Comments in response to *Commission Requests Comment on Spectrum Needs of Emergency Response Providers* (WT Docket No. 05-157, FCC 05-80):

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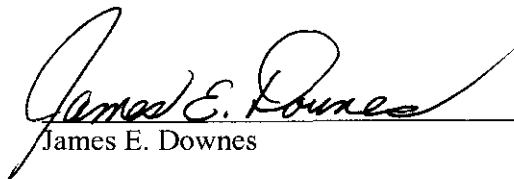
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***Commercial overnight mail: 1 unstapled
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James E. Downes

APPENDIX

Department of Homeland Security, U.S. Immigrations and Customs Enforcement, Federal Protective Services

Department of Homeland Security, United States Secret Service

Department of Homeland Security, Border and Transportation Security, Office of the Chief Information Officer

Department of Justice, Federal Bureau of Prisons

Department of Justice, Federal Bureau of Investigations

Department of Justice, Wireless Management Office

Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives

Department of the Treasury, Treasury Inspector General for Tax Administration

Department of the Interior, U.S. Fish & Wildlife Service

Department of Energy, Office of the Chief Information Officer